

ORIGINAL

# INTERVENTION



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Arizona Corporation Commission

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Attorneys for Intervenor-Applicant IBEW Local 1116

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## BEFORE THE ARIZONA CORPORATION COMMISSION

IN THE MATTER OF THE  
APPLICATION OF TUCSON  
ELECTRIC POWER COMPANY FOR  
A FINANCING ORDER  
AUTHORIZING VARIOUS  
FINANCING TRANSACTIONS.

Docket No. E-01933A-15-0114

**IBEW LOCAL 1116'S  
APPLICATION FOR LEAVE TO  
INTERVENE**

Pursuant to A.A.C. R14-3-105(A) and (B), Local Union 1116, International Brotherhood of Electrical Workers, AFL-CIO ("IBEW Local 1116"), by and through undersigned counsel, hereby moves the Arizona Corporation Commission for leave to intervene as a party in the above-captioned matter. Counsel for Tucson Electric Power Company ("TEP") and the Commission Staff have advised the undersigned that they do not oppose this motion.

IBEW Local 1116 is directly and substantially affected by the proceedings inasmuch as it is the exclusive bargaining representative of approximately seven-hundred (700) non-managerial TEP employees. Among others, such represented employees at TEP include employees in the following crafts and classifications: linemen/cablemen, substation electricians, fuel handlers, electronics technicians, equipment servicemen, field technicians, designers, heavy equipment and transport operators, maintenance electricians, maintenance mechanics, and meter repairmen. Even a cursory review of this

1 illustrative list reveals that such represented employees are among those who contribute  
2 daily, directly, and significantly to TEP's efforts to provide safe and reliable electric  
3 service to its customers. IBEW Local 1116, in its capacity as the exclusive representative  
4 of these employees, and TEP have entered into a long series of collective bargaining  
5 agreements ("CBA") dating back to November 16, 1937 concerning rates of pay, wages,  
6 hours of employment, and other terms and conditions of employment. Furthermore,  
7 IBEW Local 1116 intervened in Docket No. E-01933A-12-0291 and was a party to the  
8 2012 TEP rate case settlement agreement, which was approved in Decision No. 73912. It  
9 also intervened in Docket No. E-01933A-14-0011 and was a party to the settlement  
10 agreement involving the merger with, *inter alia*, Fortis Inc., which was approved in  
11 Decision No. 74689.

12 At this juncture, IBEW Local 1116 has not taken a position as to the wisdom of the  
13 instant application, pro or con. A cursory review of TEP's application does reveal a  
14 deliberate effort on the part of TEP to state in vague fashion the underlying reason(s) and  
15 purpose(s) for the hundreds of millions of dollars of proposed new indebtedness,  
16 however. If the purpose of TEP's maneuvering is "to maintain and improve safe and  
17 reliable electric ... service" and "to provide a high level of customer service, reliable  
18 service and a safe workplace,"<sup>1</sup> then it is likely IBEW Local 1116 will support the instant  
19 application. In other words, IBEW Local 1116 would like, and thinks this Commission  
20 needs, some clarity *vis-à-vis* the precise USE OF PROCEEDS discussed in section IX of  
21 TEP's application. IBEW Local 1116 is also rightfully concerned about the proposed  
22 overall indebtedness of TEP.

23 The Arizona Constitution expressly recognizes the status of employees of public  
24 service corporations as central stakeholders and their interests as important considerations  
25 for any Commission action. Article XV § 3 of the Arizona Constitution provides in this  
26 regard that "[t]he Corporation Commission shall . . . make and enforce reasonable rules,  
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28 <sup>1</sup> See Decision No. 74689, p. 2. *Accord, id.* at p. 22.

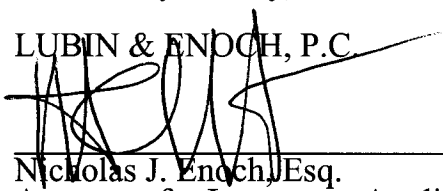
1 regulations, and orders for the convenience, comfort, and safety, and the preservation of  
2 the health, of the employees and patrons of [public service corporations].”

3 As the foregoing demonstrates, IBEW Local 1116 not only has a direct interest in  
4 the outcome of this proceeding, but what is more, there is a substantial risk that this case  
5 may impair its interests absent being permitted to intervene into the above-captioned  
6 matter. IBEW Local 1116 is confident that its participation in these proceedings will not  
7 unduly broaden the issues presented herein. Similarly, given its unique status as the  
8 exclusive representative of many employees who work for TEP, no existing (or potential)  
9 party could adequately protect the interests of IBEW Local 1116 or offer the perspective  
10 that IBEW Local 1116 is uniquely positioned to present. IBEW Local 1116 submits that  
11 its participation will lead to a more well-reasoned decision on the part of the Arizona  
12 Corporation Commission.

13 **WHEREFORE**, IBEW Local 1116 respectfully requests that the Commission  
14 issue an order permitting it to intervene in this matter and according it full rights as a  
15 party of record.

16 RESPECTFULLY SUBMITTED this 26<sup>th</sup> day of May, 2015.

17 LUBIN & ENOCH, P.C.

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20 Nicholas J. Enoch, Esq.  
21 Attorneys for Intervenor-Applicant  
22 IBEW Local 1116

21 **CERTIFICATE OF SERVICE**

22 I hereby certify that an Original and thirteen (13) copies of IBEW Local 1116's  
23 Application to Intervene were filed this 26<sup>th</sup> day of May, 2015, with:

24 Docket Control  
25 Arizona Corporation Commission  
26 1200 West Washington Street  
27 Phoenix, Arizona 85007-2996

26 I further certify that on this same date I mailed a copy of the same Application to  
27 all of the recipients identified on the Service List Report, a copy of which is attached  
28 hereto.

28 /s/ Cristina Gallardo-Sanidad

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